

REMARKS

Claims 1, 3-9 and 36-42 are currently pending in the subject application and are presently under consideration. Claims 1 and 36 have been amended. Claims 32 and 33 have been canceled. In addition, claims 10-31 were withdrawn in earlier Office Actions. A listing of claims can be found at pages 2-6 of this Reply. Entry of the herein amendments is respectfully requested since no new matter has been added and, therefore, do not require new search or undue consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3-9, 32 and 36-37 Under 35 U.S.C. §103(a)

Claims 1, 3-9, 32 and 36-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Strom, *et al.* (U.S. 4,642,607) in view of Gandhi, *et al.* (U.S. 2005/0267935). This rejection should be withdrawn for at least the following reasons. Claim 32 has been canceled. Strom, *et al.* and Gandhi, *et al.* either alone or in combination do not teach or suggest all limitations set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). ***The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure.*** See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The invention relates to remote controller configuration and programming, wherein computers can be connected to the same power supply communicating in a peer-to-peer network fashion over power lines and/or they can interact with the power supply network remotely utilizing the Internet. Accordingly, independent claim 1 recites ***a configuration device connected to Internet, wherein the configuration device and the controller utilize at least an***

interface to communicate over the power line and the Internet to enable remote controller configuration and programming. Thus, the subject invention facilitates configuration and programming of remote controllers utilizing existing power lines for communication. This innovation provides for a network that allows a configuration device connected to the Internet to interact with a power supply network to set up control modules. Neither of the cited documents (e.g., Strom, *et al.* or Gandhi, *et al.*) teaches nor suggests such novel aspects.

In particular, Strom, *et al.* relates to a power line carrier communications system comprising a bridge/repeater for a transformer. The bridge/repeater receives a series of original message bit streams generated by a transmitting module and relays them to a receiving module on the power line network. Therefore, the configuration device communicates with the binary control modules only over a power line network. Nowhere does Storm, *et al.* teach or suggest that the configuration device is connected to the Internet and communicates with the binary control modules over their power lines and the Internet. Hence, Storm, *et al.* fails to teach or suggest ***a configuration device connected to Internet, wherein the configuration device and the controller utilize at least an interface to communicate over the power line and the Internet to enable remote controller configuration and programming.***

Furthermore, Gandhi, *et al.* does not make up for the aforementioned deficiencies of Storm, *et al.* Gandhi, *et al.* generally relates to a programmatic interface-to-network messaging adapter (called a "rehydrator"). The "rehydrator" is a module that exposes a suitable object integration interface to applications on a controller device and sends network data messages to invoke services or query status of a controlled device. Gandhi, *et al.* teaches communicating either exclusively over the Internet or a power line communications network (*See* Gandhi, *et al.* paragraph [0047]). However, it does not teach or suggest communicating ***over the power line and the Internet to enable remote controller configuration and programming*** as recited in claim 1. Gandhi, *et al.* fails to teach or suggest a configuration device connected to the Internet, wherein the configuration device utilizes the Internet to communicate with a controller over its power lines. Hence the cited documents either alone or in combination fail to teach or suggest ***a configuration device connected to Internet, wherein the configuration device and the controller utilize at least an interface to communicate over the power line and the Internet to enable remote controller configuration and programming.*** In view of at least the foregoing, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 33 and 38-42 Under 35 U.S.C. §103(a)

Claims 33 and 38-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Strom, *et al.*, as modified, as applied to claim 1 above, and further in view of Ransom, *et al.* (U.S.2005/0144437). This rejection should be withdrawn for at least the following reasons. Claim 33 has been canceled. Strom, *et al.* and Ransom, *et al.* either alone or in combination do not teach or suggest all limitations set forth in the subject claims.

The invention relates to a system for configuring, setting-up and programming devices utilizing at least a power line and a WAN. To this end, independent claim 38 recites ***a configuration device that can be connected to a wide area network (WAN), wherein the configuration device and the controller utilize at least an interface to communicate over the power line and the network to enable remote controller configuration and programming.***

On page 4 of the Office Action, the Examiner erroneously contends that Ransom, *et al.* discloses a WAN using power lines to provide communication between multiple users. At the cited section, *i.e.* Fig. 1 of Ransom, *et al.*, a Power Management Architecture that contains one or more IEDs (Intelligent electronic devices) is disclosed. The IEDs are connected to an electrical power distribution system to measure, monitor and control quality, distribution and consumption of electric power from the system. However, the IEDs are further interconnected with each other and back end servers *via* the Internet. Hence it is submitted that while the IEDs are connected to a power line network, it is the Internet that handles communication between them (*See* Ransom, *et al.* paragraph [0050]). Therefore, Ransom, *et al.* fails to make up for the aforementioned deficiencies of Storm, *et al.* In view of at least the above, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP323US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731